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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 2714 of 2006

PETITIONER Dr. Pankaj Kumar Mishra, S/o Mr. Shiv Kumar Mishra aged about 30 years, residence in front of Gayatri Mandir, Chatidih, Bilaspur, P.S. Sarkanda, Distt. Bilaspur (C.G.) currently studying in Pt. Jawaharlal Nehru Memorial Medical College, Raipur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through its Chief Secretary, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Secretary, Health & Family Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
3. Registrar Pt. Jawaharlal Nehru Memorial Medical College, Raipur (C.G.)
4. Dean, Pt. Jawaharlal Nehru Memorial Medical College, Raipur (C.G.)
5. Director, Medical Education, Pt. Jawaharlal Nehru Memorial Medical College, Raipur (C.G.)
6. Medical Council of India, Through its competent authority, New Delhi.

Present: Shri Suresh Pandey , learned counsel for the petitioner.
Shri Vinay Harit, learned Dy. A.G. for the State.

ORAL ORDER
(Passed on 20th June, 2006)

The petitioner is a medical graduate and has secured M.B.B.S. degree with an intention to pursue Post Graduate Medical Course. He appeared in the examination of C.G. Pre-PG Examination 2004 with Roll No. 10384 and he secured 145 marks and he was given Rank

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No.93 in the merit list. In the counseling conducted in the year 2004, the petitioner participated and opted for the diploma course in Anaesthesia. Having regard to the relative merit and stiff competition among the merited students, the petitioner was not given admission to diploma course in Anaesthesia. When the matter stood thus, the present writ petition is filed by the petitioner by contending that in view of the reversion of seats in degree and diploma courses from All India Quota, some candidates with relatively lesser merit than the petitioner are likely to be given admission in diploma or degree course in Anaesthesia and other disciplines and therefore, the petitioner has sought for a direction to the respondents to permit him to participate in the admission procedure scheduled to be conducted from 23rd June 2006 in pursuance of the options made in the year 2004.

(2) The claim of the petitioner is neither justified nor legal and he is not entitled to any relief.

(3) The petitioner when he participated in the counseling in the year 2004 ought to have made his options keeping in mind the possible reversion of seats from All India Quota and having failed to do so, at this distance of time, he cannot virtually seek a direction to the respondents to admit him to diploma and degree P.G. Courses either in the subject of Anaesthesia or any other disciplines on the basis of his relative merit regardless of his option made in the counseling held in the year 2004 in violation of the options made by others, may they be less meritorious in the counseling conducted in the year 2004 to their peril. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Kgmole